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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 LARRY GENE HEGGEM,) CASE NO. C07-1012-MJP
09 Plaintiff,)
10 v.) ORDER GRANTING DEFENDANT'S
11 ANDREA MATHERN,) MOTION FOR SUMMARY
12 Defendant.) JUDGMENT
13 _____)

14 The Court, having reviewed plaintiff's second amended civil rights complaint (Dkt. No.
15 21), defendant's motion for summary judgment (Dkt. No. 81), plaintiff's response (Dkt. No.
16 82), the Report and Recommendation (Dkt. No. 85) of Judge Mary Alice Theiler, United States
17 Magistrate Judge, Plaintiff's Objections (Dkt. No. 86) and the remaining record, does hereby
18 find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation;
- 20 (2) In his objections, Plaintiff focuses on his final claim: that Defendant actively
21 prevented his temporary release from custody to visit his dying mother. (Dkt. No. 86.)
22 Plaintiff has not pointed to any specific actions taken by Defendant that violated his First or

01 Eight Amendment rights. The Court further agrees with Magistrate Judge Theiler's
02 conclusion that the facts presented do not "establish that defendant acted in an arbitrary or
03 abusive manner." (Dkt. No. 85 at 13.) Summary judgment is appropriate.

04 (3) Defendant's motion for summary judgment (Dkt. 81) is GRANTED;

05 (4) Plaintiff's second amended complaint (Dkt. 21), and this action, are
06 DISMISSED with prejudice; and

07 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
08 defendant, and to the Honorable Mary Alice Theiler.

09 DATED this 30th day of October, 2009.

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12 Marsha J. Pechman
13 United States District Judge
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